

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 20-21
)	
TORRELL JONES,)	Judge Cathy Bissoon
)	
Defendant.)	

ORDER

The parties’ joint Motion (**Doc. 230**) to bifurcate trial as to Counts 3 & 7 is **GRANTED**, as follows. Count 4 of the Superseding Indictment (Doc. 120) has been dismissed, *see* Order at Doc. 232, so the Motion is moot as to that Count. Otherwise, the Court endorses the government’s reservation of rights as to Counts 2 & 6 (charging possession of a firearm in furtherance of a drug trafficking crime), consistent with Model Instruction 6.18.924A-1 (regarding the *Sparrow* factors).

As for the bifurcation of Counts 3 & 7, counsel shall address the issue(s) in their joint proposed jury instructions, which are due **December 12, 2024**. *See* 4th Amended FPTO (Doc. 229). Counsel shall include each side’s position regarding whether to proceed under “Alternative 1” or “Alternative 2” in Model Instruction 6.18.922G-1. Alternative 1 contemplates bifurcation as to the prior convictions only, and Alternative 2, bifurcation as to the entire charge under Section 922(g)(1).

Counts 6 & 7 – regarding a firearm possessed on or about January 31, 2020 – appear to address the same firearm, a 9mm Taurus pistol bearing serial no. TJN84771. Given that the Counts appear to address the same firearm, Alternative 1 seems more fitting (because evidence regarding the firearm, generally, will be the same).

As to Counts 2 & 3 – regarding firearm(s) possessed on or about August 15, 2019 – it is unclear which firearm is attributed in Count 2’s charge of possession in furtherance of a drug trafficking crime. In this context, whether Alternative 1 or Alternative 2 is more appropriate appears less clear. The Court will grapple with these issues, in a vacuum, no further. Counsel must address them in their joint proposed jury instructions.

IT IS SO ORDERED.

December 4, 2024

s/Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record